

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.114 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claims 37 and 39 have been canceled without prejudice or disclaimer. Claim 25 has been amended to delete the recitation of the additive (A). As a result of such amendment, claim 25 now recites that the second additive (ii) is additive (B). Entry of the above amendments is proper in view of the fact that a Request for Continued Examination is being filed herewith. See 37 C.F.R. §1.114.

In the Official Action dated March 24, 2009, claims 25-34, 36-40 and 43-48 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0115771 (*Schueler et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Independent claim 25 recites a thermoplastic composition comprising a mixture of a polyamide and/or polyester matrix with at least: (i) a first additive of formula $R-Z_u$, and (ii) a second additive (B) obtained by a reaction between at least: a) one monofunctional compound of formula (III), b) one branching compound of formula (IV), c) optionally, one multifunctional compound of formula (I), and d) optionally, one bifunctional monomer of formula (II) or a corresponding cyclic form.

It is well established that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). For an anticipation to exist, "[t]he identical

invention must be shown in as complete detail as is contained in the . . . claim."

Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the present case, *Schueler et al* does not disclose each feature recited in independent claim 25, and as such fails to constitute an anticipation of such claim. For example, *Schueler et al* does not disclose a thermoplastic composition comprising a mixture of a polyamide and/or polyester matrix with at least (ii) a second additive (B) obtained by a reaction between at least: a) one monofunctional compound of formula (III), b) one branching compound of formula (IV), c) optionally, one multifunctional compound of formula (I), and d) optionally, one bifunctional monomer of formula (II) or a corresponding cyclic form. As noted above, claim 25 has been amended to recite that the second additive (ii) is additive (B). *Schueler et al* has no disclosure of the recited additive (B).

In this regard, the Patent Office has taken the position that the polyamine-polyamide copolymer alternative of component I disclosed by *Schueler et al* corresponds to the additive (A) previously recited in claim 25. See Official Action dated March 24, 2009, at page 4. As noted above, however, the recitation of additive (A) has been deleted from claim 25, and such claim now recites that the second additive (ii) is additive (B). *Schueler et al* does not disclose such additive (B), and as such fails to constitute an anticipation of claim 25. Such deficiencies of *Schueler et al* have been acknowledged by the Patent Office at page 8 of the Official Action dated March 24, 2009.

Accordingly, for at least the above reasons, withdrawal of the above rejection is respectfully requested.

Claim 41 stands rejected under 35 U.S.C. §103(a) as being obvious over *Schueler et al.* Claim 35 stands rejected under 35 U.S.C. §103(a) as being obvious over *Schueler et al* in view of U.S. Patent No. 3,558,567 (*Twilley et al*). Claim 42 stands rejected under 35 U.S.C. §103(a) as being obvious over *Schueler et al* in view of Polymer, Vol. 42, Issue 5, March 2001, pp. 1931-1939 (*Hsieh et al*). Withdrawal of these rejections is respectfully requested for at least the following reasons.

For the reasons discussed above, *Schueler et al* does not disclose or suggest the second additive (B) recited in claim 25. It would not have been obvious to modify *Schueler et al* to arrive at the claimed thermoplastic composition comprising a mixture of a polyamide and/or polyester matrix with at least (i) a first additive of formula R-Z_u, and (ii) the second additive (B) obtained by a reaction between at least: a) one monofunctional compound of formula (III), b) one branching compound of formula (IV), c) optionally, one multifunctional compound of formula (I), and d) optionally, one bifunctional monomer of formula (II) or a corresponding cyclic form.

The secondary applied documents (i.e., *Twilley et al* and *Hsieh et al*), fail to cure the above-described deficiencies of *Schueler et al*. In this regard, *Twilley et al* has been relied on for disclosing that benzylamine may be used as a chain terminator for polyamides. See Official Action dated March 24, 2009, at page 12. *Hsieh et al* has been relied on for disclosing the use of dendritic polymers in polymer blends as flow modifiers to reduce blend viscosity and processing aids. See Official Action dated March 24, 2009, at page 13. Even if such secondary applied documents would have been combined with *Schueler et al* in the manner alleged by the Patent Office, however, the resulting combination fails to disclose or suggest the

claimed thermoplastic composition comprising a mixture of a polyamide and/or polyester matrix with at least (i) a first additive of formula R-Z_u, and (ii) the second additive (B).

Accordingly, for at least the above reasons, withdrawal of the §103(a) rejections based on *Schueler et al*, *Twilley et al* and *Hsieh et al* is respectfully requested.

Claims 25-48 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 24-37 and 39-46 of copending Application No. 10/498,255 in view of *Schueler et al*. The deficiencies of *Schueler et al* are discussed above in connection with the §102(b) and 103(a) rejections. As noted above, *Schueler et al* does not disclose or suggest the second additive (B) recited in claim 25. In view of such deficiencies of *Schueler et al*, it is apparent that the present obviousness-type double patenting rejection is untenable, and withdrawal thereof is respectfully requested.

The dependent claims are allowable at least by virtue of their direct or indirect dependence from independent claim 25. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.


If there are any questions concerning this paper or the application in general,
the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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